

REMARKS

Applicants would like to thank the Examiner for the informal discussion relating to the present application. The Applicants and the Examiner discussed the above amendments to the claims and Applicants' belief that the amendments distinguish Applicants' invention from U.S. Patent No. 7,031,527 (the “‘527 patent”) which issued on April 18, 2006 from App. Serial No. 10/492,722 which was cited against Applicants as the basis for a double patenting rejection.

Claims 1-71 were previously pending in the above-referenced application. Applicants have amended claims 1-3, 58-61, 63-66 and 68-71 and have added new claims 72-74. With the amendments herein, claims 1-74 are currently pending, with claims 4-56 having been withdrawn as being drawn to a nonelected group two. Each of the amendments is derived from claim 12 (withdrawn) and is supported by the specification at paragraph 12.

DOUBLE PATENTING REJECTION:

The Examiner has rejected claims 1-3 and 57-71 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of copending Application No. 10/492,722. Application No. 10/492,722 issued as the ‘527 patent on April 18, 2006.

The ‘527 patent does not teach or disclose “identifying at least one pattern element selected from the group including notches, grain lines, mirror lines, internal cutouts, grade lines, alternate grade lines, stripe reference lines, plaid reference lines, sew lines, cut/fold lines, and balance lines,” as recited in claims 1 and 72, to “identify at least one pattern element selected from the group including notches, grain lines, mirror lines, internal cutouts, grade lines, alternate grade lines, stripe reference lines, plaid reference lines, sew lines, cut/fold lines, and balance lines” as recited in claims 2 and 73, or “a fourth module which, when executed, identifies at least one pattern element selected from the group including notches, grain lines, mirror lines, internal cutouts, grade lines, alternate grade lines, stripe reference lines, plaid reference lines, sew lines, cut/fold lines, and balance lines,” as recited in claims 3 and 74 of the present application.

While the ‘527 patent describes that “internal curves” appear in a raster image as curves (col. 2, lines 65-66) and that “holes” on the pattern can be found by finding a black object inside

a non-black object (col. 9, lines 63-64), this is very different than identifies, identify or identifying “at least one pattern element selected from the group including notches, grain lines, mirror lines, internal cutouts, grade lines, alternate grade lines, stripe reference lines, plaid reference lines, sew lines, cut/fold lines, and balance lines,” as recited in claims 1-3 and 72-74 of the present application.

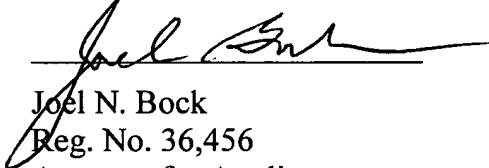
Because claims 1-3 and 72-74 are not obvious over the ‘527 patent, therefore, dependent claim 57-71 also cannot be obvious.

CONCLUSION

In view of the foregoing amendments and remarks, each of claims 1-3 and 57-74 of the above referenced application is believed to be in condition for allowance, and Applicants respectfully requested that the Examiner at the earliest convenience issue a notice of allowance.

Respectfully submitted,

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Joel N. Bock
Reg. No. 36,456
Attorney for Applicants
SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, Illinois 60606-1080
Phone: (973)912-7174